

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR-2121-2019(O&M)
Date of decision : 29.08.2023**

Satpal Singh and another

..... Petitioners

versus

State of Punjab & another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J. S. Uppal, Advocate
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Saleem Akhter, Advocate
for respondent No. 2.

PANKAJ JAIN, J. (Oral)

1. Having suffered concurrent adverse findings by the two Courts below, the petitioners are in revision before this Court assailing trial Court judgment and order of sentence dated 17.01.2018, as upheld by lower Appellate Court vide its judgment and order dated 17.08.2019, convicting the petitioners and sentencing him as under:-

<i>Name of convict</i>	<i>Under Section</i>	<i>Sentence</i>
<i>Satpal Singh</i>	<i>323 IPC</i>	<i>To under go R.I. for 6 months</i>
	<i>324 IPC</i>	<i>To under go R.I. for one year and to pay fine of Rs.500/-</i>
	<i>506 IPC</i>	<i>To under go R.I. for 6 months</i>
<i>Lakhvir Kaur</i>	<i>323 IPC</i>	<i>To under go R.I. for 6 months</i>

	<i>324 read with Section 34 IPC</i>	<i>To under go R.I. for one year and to pay fine of Rs.500/-</i>
	<i>506 read with Section 34 IPC</i>	<i>To under go R.I. for 6 months</i>

2. On 01.11.2019, the following order was passed :-

“CRM-33051-2019

Application is allowed, subject to all just exceptions. Anneuxre P-1 is taken on record.

CRM-33053-2019

This is an application for preponing the date of the main petition.

Notice of the application to the respondents.

On the asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of respondent-State. Mr. Saleem Akhter, Advocate also accepts notice on behalf of respondent No.2.

Heard. In view of the reasons mentioned in the application, the same is allowed. The main petition is preponed and is taken up today itself.

CRR-2121-2019 (O&M)

Learned counsel for the applicants-petitioners contends that the parties have arrived at a compromise and the copy of the same is Annexure P-1.

Learned counsel appearing on behalf of the respondent does not dispute this fact and states that indeed the compromise is arrived at between the parties.

The private parties are directed to appear before the trial Court/Illaq Magistrate on or before 13.11.2019 for recording their *statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing i.e. 18.12.2019 containing the following information :-*

1.Number of persons arrayed as accused in FIR.

2. Whether any accused is proclaimed offender.

3.Whether the compromise is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused persons are involved in any other case or not.

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are

there in the FIR.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Sentence of the applicants-petitioners is suspended during the pendency of the present revision petition subject to their furnishing the requisite bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate Sangrur.”

3. Pursuant to the aforesaid order, report from the Judicial Magistrate 1st Class, Malerkotla dated 15.11.2019 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. It is submitted that the present case is a private complaint which has been filed by complainant Sukhwinder Kaur under Sections 307, 452, 323, 324, 427, 506, 148, 149 IPC against accused Satpal Singh, 2 Lakhvir Kaur, Gurmukh Singh @ Dogar, Pritam Singh, Lakhwinder Singh and Gurjit Singh. It is further submitted that accused Satpal Singh, Lakhvir Kaur and Gurmukh Singh @ Dogar were summoned under Sections 452, 323, 324, 427, 506 r.w.s. 34 IPC vide order dated 26.09.2016. Thereafter, accused Gurmukh Singh @ Dogar was declared proclaimed offender vide order dated 25.05.2017. Charge against accused Satpal Singh and Lakhvir Kaur was framed on 14.11.2017. Thereafter, accused Satpal Singh and Lakhvir Kaur were convicted and sentenced vide judgment dated 17.01.2018. Thereafter, both these accused went in appeal and the appeal was dismissed by the learned Appellate Court vide judgment dated 17.08.2019.

2. The accused no.3 namely Gurmukh Singh @ Dogar was declared proclaimed offender vide order dated 25.05.2017 in the present complaint.

3. The compromise is genuine, voluntarily and out of free will of the parties in view of statement of complainant and accused persons.

4. As per the accused persons, they are not involved in any other case.

5. It is submitted that the present case is a private complaint and there is no Investigating Officer in the same. However, statement of complainant Sukhwinder Kaur has been recorded regarding numbers of victims/complainants in the present case and as per her, she is the only complainant/victim in the present complaint.”

4. Learned counsel for the petitioners relies on judgment dated 29.09.2021 of the Hon'ble Supreme Court of India in Criminal Appeal no.1489 of 2012 titled as “**Ramgopal & Anr. vs. The State of Madhya Pradesh**” to submit that this Court while exercising jurisdiction under Section 482 Cr.P.C. can well considered to compromise between the parties and quash the proceedings. Petitioners were summoned to face trial in a complaint case and were convicted for offence punishable under Sections 323, 324, 506 read with Section 34 IPC as mentioned above.

5. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

6. The appellate Court maintained the judgment of conviction and the order of sentence and in the revision preferred by the accused(s) sentence awarded to the petitioners was ordered to be suspended vide order dated 01.11.2019 taking into consideration compromise/settlement dated 15.10.2019 (placed on record as Annexure P-1 as already observed hereinabove). Pursuant to order dated 01.11.2019 passed by this Court, the report has been received. The parties are reported to have compromised voluntarily and out of free will.

7. The law with respect to exercising of jurisdiction under Section 482 Cr.P.C. to quash the complaint/criminal proceedings post conviction stands settled by the Apex Court in the case of ***Ramgopal*** (*supra*).

8. The Hon'ble Supreme Court in the case of Ramgopal (supra) held as under:-

“12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are noncompoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident. the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extra-ordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and

*circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in **Narinder Singh & Ors. vs. State of Punjab & Ors. And Laxmi Narayan** (Supra).*

19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

9. Keeping in view the close relationship between the parties as accused No.1-Satpal is stated to be the son of real sister and accused No.2-Lakhvir Kaur is wife of accused No.1 and the harmony in the family being of prime consideration, every act that of forgiving and forgetting needs to be encouraged. Thus, this Court finds it to be a fit case for exercising jurisdiction under Section 482 Cr.P.C. for quashing FIR. The petitioners were convicted for offence under Section 323 & 324 IPC, it is not a case of grievous or life threatening injury and there is nothing that calls for denial of relief to the petitioners so far as their conduct prior to and after the occurrence of the alleged offence is concerned. This Court

finds that in view of law laid down in **Ramgopal's** case (*supra*) and the statements recorded before the Trial Court regarding compromise, the present petition needs to be allowed and the FIR needs to be quashed.

10. Ordered accordingly. Petition stands allowed.

11. Pending miscellaneous application, if any, shall also stand disposed of.

(PANKAJ JAIN)
JUDGE

29.08.2023

Mehak

Whether speaking/reasoned

Yes

Whether Reportable :

No